

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BRYAN VELAZQUEZ,

Plaintiff,

-v.-

BETTER BABY, INC.,

Defendant.

22 Civ. 08364 (JHR)

ORDER TO SHOW CAUSE

JENNIFER H. REARDEN, District Judge:

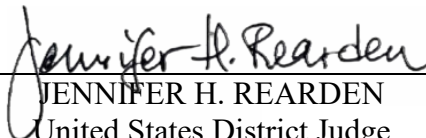
Plaintiff Bryan Velazquez filed the Complaint in this action on September 30, 2022. ECF No. 1. Defendant Better Baby, Inc. was served with process on December 2, 2022. Its answer was therefore due on December 23, 2022. ECF No. 7; *see also* Fed. R. Civ. P. 12(a)(1)(A)(i) (“A defendant must serve an answer . . . within 21 days after being served with the summons and complaint.”). To date, Defendant has not responded to the Complaint or otherwise appeared. Upon Plaintiff’s application, the Clerk of Court issued a certificate of default for Defendant on February 2, 2023. ECF No. 10. Since then, Plaintiff has not filed a motion for default judgment against Defendant.

Accordingly, by November 2, 2023, Plaintiff shall show cause why this action should not be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41. Plaintiff may show cause by properly submitting a motion for default judgment, in accordance with the Court’s Individual Rules and Practices in Civil Cases (available at <https://nysd.uscourts.gov/hon-jennifer-h-rearden>). **Failure to submit a timely and proper motion for default judgment may result in dismissal without prejudice of this case under Federal Rule of Civil Procedure 41.** If or when a motion for default judgment is filed, the Court will enter a further order setting a deadline for any opposition and reply and, if appropriate, scheduling a date and time for a default judgment hearing.

Plaintiff shall electronically serve a copy of this Order on Defendant within **two business days of the date of this Order** and shall file proof of such service **within three business days of the date of this Order**.

SO ORDERED.

Dated: October 27, 2023  
New York, New York

  
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JENNIFER H. REARDEN  
United States District Judge